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PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

EDUCATION DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 6th December, 2024

THE GUJARAT PRIVATE UNIVERSITIES ACT, 2009.

No:GH/SH/60/EPU/2020/285/KH-1:- In exercise of the powers conferred by Section 26 - of the Gujarat Private Universities Act, 2009 (Gujarat Act No.8 of 2009), the Government of Gujarat hereby approves the First Statutes of the Monark University, Ahmedabad as proposed by the Governing Body of the Monark University, Ahmedabad in its meeting held on 10th February, 2022.

Ref.
Sections

CHAPTER 1: PRELIMINARY

Section 1 of
GPU Act
2009

1. Short Title & Commencement

- i. This "Statutes" may be called the First Statutes of Monark University.
- ii. These statutes shall come into force with effect from the date of publication by the Government of Gujarat in its *Official Gazette*.
- iii. The Statutes are pursuant with the provisions of the Gujarat Private Universities Act 2009 and its amendments. In case of any changes in provisions of the Act or the Rules or the Statutes, the provisions of the Act or Rules made under the act shall prevail.
- iv. Nothing in these Statutes shall be deemed to bar the University from amending the Statutes subsequently according to the provision of Section 27 of the Act and the amended Statutes, if shall be applicable with immediate or prospective effect from such date as prescribed in any, the notification and prior approval from State Government.
- v. The first Statutes have been framed under Section 26 of the Gujarat Private Universities Act, 2009 in the meeting of Governing Body of University.

Section 2 of
GPU Act
2009

2. Definitions: -

- (1) In these Statutes, unless context otherwise requires: -
 - i. "Act" means, The Gujarat Private Universities Act, 2009 as amended from time to time;
 - ii. "Academic Year" means the period from July 1st of any year to June 30 of the following year, or another period of 12 months;
 - iii. "Committee" means all committees including Ad-hoc and Sub-committees under Section 25 of the Act;
 - iv. "Authorities" mean authorities as specified in Section 19 of the act and include authorities declared by these Statutes;
 - v. "Academic Council" means the Academic Council constituted under the provision of Section 22 of the Act;
 - vi. "Governing Body" means the governing body of the University constituted under the provision of Section 20 of the Act;
 - vii. "Board of Management" means the Board of Management of the University constituted under the provision of Section 21 of the Act;
 - viii. "Regulatory Body" means a body established by the Central Government, for laying down the norms and conditions for ensuring academic standards of higher education, such as UGC, AICTE, NCTE, MCI, PCI, NAAC, ICAR, DEC, CSIR;
 - ix. "Course" means academic programmes and courses of studies imparted in the classroom and also in blended/composite mode;
 - x. "Financial Year" means the period commencing on the 1st April of any year and ending on 31st March of the following year;
 - xi. "Endowment Fund" means a funds established under the provision of Section 36 of the Act;
 - xii. "Government" means the Government of Gujarat;
 - xiii. "General Fund" means the fund established under the provision of Section 37 of the Act;

- xiv. “Institute” means any Institute constituted as part of the university to deal in different disciplines located within the campus of the university;
- xv. “President” means the President of University appointed by the sponsoring body of the university in consultation with the State Government under the provision of Section 14 of the Act;
- xvi. “Provost” means the Provost of the University appointed under the provision of Section 15 of the Act;
- xvii. “Registrar” means the registrar of the university appointed under the provision of Section 16 of the Act;
- xviii. “Regulations” mean the Regulations made under the provisions of Statutes of the University;
- xix. “Rules” mean the Rules made under the provisions of Statutes of the University;
- xx. “Ordinances” mean the Ordinances of the University made under the provision of Section 28 of the Act;
- xxi. “Statutes” mean the statutes made under Section 26 of the Act and include the amendments, modifications and alterations of the Statutes made under section 27 of the Act;
- xxii. “Sponsoring Body” means the Sponsoring Body, Shree Monark Education Trust;
- xxiii. “Student” means a student of the University and includes any person who is enrolled to pursue any course or study offered by the University;
- xxiv. “University” means Monark University, Ahmedabad, Gujarat established under the provision of Section 3 of the Act and will have the same meaning as defined in Section 2 (f) of the University Grants Commission Act, 1956;
- xxv. “Staff” means the teaching and non-teaching staff of the University who are on direct and permanent payroll of the University and does not include any casual, temporary, contractual, ad-hoc employees or visiting faculty who may be engaged for a specific assignment/project or task;
- xxvi. The words and expressions used herein and not defined in the Statutes will have the same meaning as assigned to them in the Act;

3. Objects of the University: -

The objects of the University shall be to create, organize, preserve and disseminate knowledge in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field for the advancement of mankind in particular and other objects of the University shall be as follows, namely:-

- a. to provide for instruction, teaching and training in the University in the field of higher education and make provisions for research, advancement and dissemination of knowledge;
- b. to establish, maintain and manage institutions and centers of excellence, to create, organize, preserve and disseminate knowledge in the fields of sciences, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field and to provide research, higher education, professional education, and e-learning facilities of high order, as per their current status or as they may develop in future;

Section 4 of
GPU Act
2009

- c. to develop infrastructure for research, higher education, professional education, teaching, training, extension and outreach, including continuing education, distance learning and e-learning to create capabilities for upgrading infrastructure to global standards;
- d. to offer the academic programmes of the University through, distance education, online education, correspondence and any other mode matching with the environmental developments such as technology need, after obtaining appropriate approvals from the regulatory bodies;
- e. to set up off-campus centers, study centers and examination centers within the State, subject to the permission of the regulatory bodies under any law made by the Parliament and any regulation, rules, etc. made by the regulating bodies;
- f. to create higher levels of intellectual abilities;
- g. to establish state of the art facilities for education and training;
- h. to carry out teaching and research and offer continuing education programmes;
- i. to create centers of excellence for research and development and for sharing knowledge and its application;
- j. to provide consultancy to the industry and public organizations;
- k. to establish main campus or infrastructure in the State of Gujarat necessary for the furtherance of its objects;
- l. to establish examination centers;
- m. to confer degrees, diplomas, grant certificates and other academic distinctions on the basis of examination or any other method of evaluation subject to the guidelines of the UGC;
- n. to develop training facilities in the field of higher education;
- o. to provide for arrangement for national and global participation in the field of higher education;
- p. to develop educational programmes for certificates, diplomas, degrees and postgraduate courses, doctorate degrees and postdoctoral programmes and to maintain a high standard of education, to collaborate with national and global institutions, to offer programmes and to create capabilities for upgrading programmes to the global standards subject to the guidelines of the UGC;
- q. to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE, NCTE, UGC, BCI, RCI, MCI and Pharmacy Council, and any other similar agency established by the Central Government for regulating the standard education;
- r. to establish close linkage with the industry, business, educational institutions and other sections of the society to make teaching, research, training, documentation, publication, use of various media and outreach activities at the University relevant to the needs of the University and society, at national and international level;
- s. to pursue any other objectives as may be approved by the State Government:

Generally, the prime object of the university shall be to promote education in all the fields.

Provided that notwithstanding anything contained in the Act and save as provided in any Central Act, the University shall be eligible to undertake the functions of disseminating of knowledge only in the fields for which the State Government has issued letter of intent or in the fields subsequently approved by the State Government.

Section 5 of
GPU Act
2009

4. Powers and Functions of the University: -

The University shall exercise and perform the following Powers and Functions, namely;

- i. To administer and manage the University, establish, administer and manage its constituent colleges and centers for research, education, training, extension and outreach including continuing education, distance Learning and e-learning at its campus within the State of Gujarat;
- ii. To provide for research, higher education, professional education, teaching, training, extension and outreach including continuing education, distance learning and e-learning in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other fields;
- iii. To conduct innovative experiments in educational technologies, teaching and learning methods, to collaborate with national and international institutions and to offer joint programmes with such institutes to constantly improve the delivery of education and to achieve international standards of education;
- iv. To prescribe courses, curricula and methodologies for electronic and distance learning and provide for flexibility in the delivery of education;
- v. To hold examinations and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons subject to such condition as the University may determine and to withdraw or cancel any such degrees, diplomas or certificates and other academic distinctions or titles in the manner prescribed by the Regulations;
- vi. To confer honorary degrees or other distinctions in the manner prescribed by the Statutes or Ordinances;
- vii. To establish schools, centers, institutes, colleges and conduct the programmes and courses of study as are in the opinion of the University, necessary for the furtherance of its objects;
- viii. To declare as a constituent college any college, center institution imparting education as are in the opinion of the University, necessary for the furtherance of its objects or to establish a new constituent college, center institution for the purpose;
- ix. To provide for printing, publication and reproduction of research, educational material and other works and to organize exhibitions, conferences, workshops and seminars;
- x. To establish knowledge resource center;
- xi. To sponsor and undertake research and educational programmes in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other allied areas;
- xii. To collaborate or associate with any educational institution with like or similar objects;
- xiii. To establish campuses including virtual campus for the purpose of achieving the objectives of the University;
- xiv. To undertake research and to obtain registration in respect of such research in the nature of patents, design rights and such or similar rights with the competent authorities;

- xv. To maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects;
- xvi. To render services of research, training, consultancy and such other services as required for the purposes of the University;
- xvii. To develop and maintain relationships with faculty, researchers, administrators and domain experts in science, technology, humanities, social sciences, education, management, law, commerce, pharmacy, healthcare and allied area for achieving the objects of the University;
- xviii. To regulate the expenditure and to manage the finances and to maintain the accounts of the University;
- xix. To receive funds, movable and immovable properties, equipments, software and other resources from business, industry, other sections of society, national and international organization or any other source by transfers or as gifts, donations, benefactions or bequests for the purposes and objects of the University;
- xx. To establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;
- xxi. To construct, manage and maintain centers, complexes, auditorium, buildings, stadium for the advancement of sports, cultural, co-curricular and extra-curricular activities;
- xxii. To supervise and control the residence and regulate the discipline of students, faculty and staff of the University and to make arrangements for promoting their health, general welfare, social and cultural activities;
- xxiii. To fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes or Ordinances;
- xxiv. To institute and award fellowships, scholarships, prizes, medals and other awards as may be prescribed by the Statutes or Ordinances;
- xxv. To purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- xxvi. To sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University;
- xxvii. To draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;
- xxviii. To raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to payout of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;
- xxix. To invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;

- xxx. To execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University;
- xxxi. To admit students for the courses offered by the University in the manner prescribed by the Ordinances;
- xxxii. To create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;
- xxxiii. To regulate and enforce discipline among the students, employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;
- xxxiv. To institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts and to prescribe by the Statutes or Ordinances, the qualifications for the persons to be appointed on such posts;
- xxxv. To appoint qualified persons as professors, associate professors, assistant professors, readers, lecturers or as teachers and researchers or other officers of the University;
- xxxvi. To cooperate with other Universities, and acquire membership of, bodies, authorities, or associations, which may have been formed for the advancement of learning, science or research, or for the dissemination of knowledge or for the physical and moral welfare of students, in such manner and for such purpose as the University may determine by Statutes or Ordinances;
- xxxvii. To delegate all or any of its powers (except the power to make regulations) to any officer or authority of the University, and;
- xxxviii. To do all such acts and things as the University may consider necessary conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

University open to all irrespective of sex, religion, class, creed or opinion

**Section 12
of GPU Act
2009**

1. No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the ground of sex, race, creed, class, caste, place of birth, religious belief or political or other opinion.
2. It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, class, caste, place of birth, religious belief or political or other opinion in order to entitle him to be admitted as a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

CHAPTER 2: OFFICERS OF THE UNIVERSITY

The following shall be the officers of the University namely:-

**Section 13
of GPU Act
2009**

- (i) The President;
- (ii) The Provost;
- (iii) The Registrar;
- (iv) The Chief Finance and Accounts Officer; and
- (v) Such other officers as may be declared by the Statutes to be officers of the University

Note: In accordance with clause (e) of Section 13 of the Gujarat Private Universities Act 2009, Monark University is pleased to declare additional officers of the University. This declaration is made in adherence to the provisions outlined in the Gujarat Private Universities Act, 2009.

- (vi) The Controller of Examination
- (vii) The Dean of Faculties

**Section 14
of GPU Act
2009**

2.1 The President:

- (1) The President shall be appointed by the sponsoring body, in consultation with the State Government, for a period of three years by following such procedure and on such terms and conditions as may be prescribed by the Statutes.
- (2) The President shall be the head of the University.
- (3) The President shall preside at the meetings of the Governing Body and at the convocation of the University for conferring degrees, diplomas or other academic distinctions and in his absence by any other member of the Governing Body nominated by it.
- (4) The President shall have the following power namely:-
 - (a) to call any information or record;
 - (b) to appoint Provost;
 - (c) to remove Provost in accordance with the provisions of sub-section (6) of section 15 of the Act;
 - (d) such other powers as may be prescribed by the Statutes.

Note: In accordance with clause (d) of Section 14 Sub-Section (4) of the Gujarat Private Universities Act 2009, Monark University is pleased to declare the other powers of President. This declaration is made in adherence to the provisions outlined in the Gujarat Private Universities Act, 2009.

- (e) To preside over the meetings of the Board of Management.
- (f) To nominate any other member of the Governing Body in his/her absence for presiding over the Convocation function
- (g) To be the final authority in case of any decisions taken by the Provost under sub-section 4 of Section 15 of the Act and the same are questioned by the authority of the University which otherwise deals with the matter in normal course.

**Section 15
of GPU Act
2009**

2.2 The Provost:

- (1) The Provost shall be appointed by the Governing Body out of the panel of three persons recommended by the Search Committee consisting of the following members, and shall, subject to the provisions of sub-section (6), hold office for a term of three years:-
 - (i) an eminent professional to be nominated by the Board of Management;
 - (ii) an eminent educationalist to be nominated by the Board of Management; and
 - (iii) one member of the Board of Management to be nominated by the President:

Provided that, after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years:

Provided further that a Provost shall continue to hold the office even after expiry of his term till new Provost take charges of the office, but in any case this period shall not exceed one year:

Provided also that the President may appoint first Provost for a period of one year until the regular Provost is appointed under this section whichever is earlier.

- (2) The Provost shall be principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.
- (3) Where in the opinion of the Provost it is necessary to take immediate action on any matter for which power are conferred on any other authority by or under Gujarat Private Universities Act, 2009, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his/her action to such officer or authority as would have in ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Provost then such case shall be referred to the President, whose decision thereon shall be final;

Provided further that where any such action taken by the Provost affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Management and it may confirm or modify or reverse the action taken by the Provost.

- (4) Where, in the opinion of the Provost, decision of any authority of the University is not within the powers conferred by Gujarat Private Universities Act, 2009 or the Statutes, the Ordinances, the Regulations or the rules or is likely to be prejudicial to the interests of the University, he shall request the conferred authority to revise its decision within fifteen days from the date of its decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the President and his decision thereon shall be final.
- (5) The Provost shall exercise such power and perform such functions as may be prescribed by the Statutes or Ordinances.
- (6) The President may, on representation made or otherwise and after making such inquiry as may be necessary and is of the opinion that the continuance of the Provost in office is not in the interests of the University, by an order in writing stating the reasons therein, direct the Provost to relinquish his office from the date specified in the order:

Provided that before taking an action under this sub-section, the Provost shall be given an opportunity of being heard.

Note: In accordance with (The Provost Sub-Section (5)) of Section 15 of the Gujarat Private Universities Act 2009, Monark University is pleased to declare the other powers of Provost. This declaration is made in adherence to the provisions outlined in the Gujarat Private Universities Act, 2009.

- (1) Provost shall preside over the meetings of the Academic Council.

2.3 The Registrar:

- (1) The appointment of the Registrar shall be made by the Chairperson of the sponsoring body in such manner as may be prescribed by the Statutes

Note: In accordance with (The Registrar Point (1)) of Section 16 of the Gujarat Private Universities Act 2009, Monark University is pleased to declare the manner of appointment of Registrar. This declaration is made in adherence to the provisions outlined in the Gujarat Private Universities Act, 2009.

The terms and conditions of appointment of the Registrar are as follows:

- a) The Selection Committee shall have following members:
 - The President
 - The Provost
 - One member of Governing Body to be nominated by the President.
 - Two Experts to be nominated by the President
 - b) The Registrar shall have the requisite qualifications and administrative experience to be appointed as decided by the Board of Management pursuant to the prevailing UGC norms and State Government Norms time-to-time.
 - c) The Registrar shall be a full-time salaried officer of the University; and shall discharge his duties under the general superintendence of the Provost.
 - d) When the office of the Registrar falls vacant or when the Registrar is absent by a reason of illness or any other reason, the duties and function of the Registrar shall be performed by such other person; as the Provost may appoint for the purpose.
 - e) The Registrar shall be custodian of the records, the common seal and such other property/funds of the University as the Board of Management may commit to his charge.
- (2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.
 - (3) The Registrar shall be the Member-Secretary of the Governing Body, the Board of Management and Academic Council but he/she shall not have a right to vote.
 - (4) The Registrar shall exercise such power and perform such duties as may be specified in the Statutes or the Ordinances.

**Section 17
of GPU Act
2009**

2.4 The Chief Finance and Accounts Officer

- (1) The appointment of the Chief Finance and Accounts Officer shall be made by the President in such manner as may be prescribed by the Statutes or Ordinances.
- (2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

**Section 13
Clause (e)
and
Section 18
of GPU Act
2009**

2.5 The Controller of Examination:

- (1) The appointment of the Controller of Examinations (COE) shall be made by the President on the recommendation of a selection committee constituted for the purpose. The COE must have the defined qualifications and sufficient administrative experience as prescribed by Board of Management in accordance with the prevailing UGC norms and State Government Norms time-to-time.
- (2) The constitution of the Selection Committee shall consist of the following members:
 - (i) The Provost
 - (ii) Two Experts to be nominated by the President

- (iii) One person to be nominated by the Governing Body from its members.
- (iv) The Registrar
- (3) The salary, allowances and term & conditions of appointment of the COE shall be as decided by the Board of Management and should be in accordance to the prevailing UGC norms and State Government Norms time-to-time.

2.6 The Dean of Faculties:

**Section 13
Clause (e)
and
Section 18
of GPU Act
2009**

- (1) There shall be a Dean for each Faculty of the University. The Deans shall be responsible for overall maintenance of academic activities of the respective Faculty.
- (2) The Deans shall be appointed by the Provost with the approval of the Governing body from amongst the Faculty Members of the constituent institutes of the University.
- (3) The term of office of the Deans shall be three years. On completion of the term of office, the teacher shall be eligible for reappointment.
- (4) Eligibility criteria and other terms & conditions for the appointment of the Dean shall be such as recommended by the Provost and approved by the Board of Management.

2.7 Other Officers:

**Section 18
of GPU Act
2009**

- (1) The University may appoint such other officers as may be necessary for its functioning.
- (2) The manner of appointment of other officers of the University and their Power and Functions shall be such as may be specified in the Statutes or the Ordinances.

CHAPTER 3: AUTHORITIES OF THE UNIVERSITY

The following shall be the authorities of the University, namely:

**Section 19
of GPU Act
2009**

- (i) The Governing Body;
- (ii) The Board of Management;
- (iii) The Academic Council;
- (iv) Such other authorities as may be declared by the Statutes to be the authorities of the University.

3.1 Governing Body:

**Section 20
of GPU Act
2009**

- (1) The Governing Body of the University shall consist of the following members, namely:-
 - (a) The President;
 - (b) The Provost;
 - (c) Four persons to be nominated by the sponsoring body out of whom two shall be eminent educationalist;
 - (d) Two Deans or Directors of the constituent schools or centres of the University, by rotation, to be nominated by the Provost;
 - (e) One expert of Management or Information Technology from outside the University to be nominated by the Governing Body;
 - (f) Three experts representing other disciplines such as finance, legal, social sector to be nominated by the Governing Body;
 - (g) One eminent industrialist to be nominated by the Governing Body; and

- (h) Secretary to the Government of Gujarat, Higher & Technical Education or his/her representative not below the rank of Deputy Secretary to Government or the Deputy Commissioner – ex-officio.
- (2) The President shall be the Chairman of the Governing Body.
- (3) (a) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination;
- (b) An ex-officio member shall continue so long as he/she holds the office by virtue of which he/she is such a member.
- (c) As nearly as one third of the nominated members, except the ex-officio member shall retire by rotation each year. In the first two instances, the Board may decide the procedure to identify the members who will retire.
- (d) A member may be re-nominated for the next term.
- (e) A member may resign his/her office by writing under this hand, addressed to the Chairperson, but he shall continue in office until his/her resignation has been accepted by the Chairperson.
- (4) The Governing Body shall be supreme authority of the University. All the movable and immovable property of the University shall vest in the Governing Body.
- (5) The Governing Body shall have the following powers, namely:-
 - (a) to provide general superintendence and directions and to control functioning of the University by using all such powers as are provided by the Gujarat Private Universities Act or the Statutes, Ordinances, Regulations or Rules made thereunder;
 - (b) to review the decision of other authorities of the University in case they are not in conformity with the Provisions of the Gujarat Private Universities Act, 2009 or the Statutes, Ordinances, Regulations or Rules made thereunder;
 - (c) to approve budget and annual report of the University;
 - (d) to lay down the extensive policies to be followed by the University;
 - (e) to recommend to the sponsoring body about the voluntary liquidation of the University; and
 - (f) such other power as may be prescribed by the Statutes.

Note: In accordance with (The Governing Body clause (f) of sub section (5)) of Section 20 of the Gujarat Private Universities Act 2009, Monark University is pleased to declare the other powers of Governing Body. This declaration is made in adherence to the provisions outlined in the Gujarat Private Universities Act, 2009.

- (g) To appoint the Provost.
- (h) To prepare the First Statute and submit to the Govt. for approval.
- (i) To take up, deliberate and take decisions on all the matters pertaining to the growth and development of University towards the fulfilment of the objectives of the University.
- (j) To make, review and approve, from time to time, the policies, plans, procedures and suggest measures for improvement and development of the University.

- (6) The Governing Body shall meet at least three times in a Calendar Year.
- (7) Minimum four members shall form a quorum for a meeting of the Governing Body.

3.2 Board of Management:

**Section 21
of GPU Act
2009**

- (1) The Board of Management shall consist of the following persons, namely:-
 - (a) the President;
 - (b) the Provost;
 - (c) two members of the Governing Body, to be nominated by the Sponsoring Body;
 - (d) two person, who are not the member of the Governing Body, to be nominated by the Sponsoring Body;
 - (e) three persons from amongst the faculty members of the University, to be nominated by the Sponsoring body; and
 - (f) one faculty member to be nominated by the President.
- (2) The President shall be the Chairperson of the Board of Management:
Provided that President may at his discretion, nominate any other member of the Governing Body to be the Chairperson of the Board of Management.
- (3) The Power and Functions of the Board of Management shall be such as may be prescribed by the Statutes.
- (4) The Board of Management shall meet once in every two months.
- (5) Minimum Four members shall form a quorum for a meeting of the Board of Management.

Note: In accordance with (The Board of Management Sub-Section (3) of Section 21 of the Gujarat Private Universities Act 2009, Monark University is pleased to declare the other powers and functions of The Board of Management. This declaration is made in adherence to the provisions outlined in the Gujarat Private Universities Act, 2009.

Power and Functions of Board of Management are as follow:

- (a) The Board of Management will be responsible for overall execution of plans, policies, and activities of the University.
- (b) To provide for the administration of any necessary matter occurring at the University and to make regulations thereof.
- (c) To frame Statutes of the University, other than the First Statutes, and put-up the same for the approval of the Governing Body.
- (d) To consider, review and approve the Ordinances other than the First Ordinances as recommended by the Academic Council.
- (e) To consider and approve regulations submitted by such Authorities of the University which have been authorized by Board of Management to do so.
- (f) To appoint committees for such purposes and with such powers as it may deem fit and to appoint such persons on these committees
- (g) To make recommendations about the policies and other such matters to the Governing Body.
- (h) To review annual accounts and annual report, budgets, financial projections, etc. and put-up to the Governing Body for approval.
- (i) To consider the creation of posts for different categories of employees and recommend to Governing Body for further approval.
- (j) To make provision for instituting and conferring degrees, honorary degrees, diplomas, certificates and other academic distinctions, and also for Scholarships and Fellowships.

- (k) To consider, review and make provision(s) for instruction, teaching and training in such branches of learning and courses of study as may be recommended by the Academic Council and for the advancement of research and dissemination of knowledge.
- (l) To consider and approve the various fees to be levied on students as per the recommendations received from Academic Council in accordance with the State Regulatory body norms and State Government Norms time-to-time.
- (m) To add, modify, reduce, cancel or withdraw any of the educational programmes of the University.
- (n) To recommend the Governing Body to start a new institute/department/center in the University.
- (o) To institute and administer scholarships, fellowships, medal, prizes and other such awards.
- (p) To formulate appropriate policies regarding service conditions of officers and other employees of the University for smooth functioning in accordance with the Statutory body and State Government Norms time-to-time
- (q) To exercise such other powers and perform such other duties consistent with the Act/Statutes as may be necessary for carrying out the purpose of the Act and as delegated by the Governing Body.

Section 19
Clause (c)
of GPU Act
2009

3.3 Academic Council:

The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of the Act, Statutes, Ordinances and Regulations made thereunder, coordinate and exercise general supervision over the academic policies and program of the University.

The Academic Council shall consist of the following members:

- (1) The Provost of the University shall be the Chairperson of the Academic Council
- (2) All Deans of the Faculties of the University
- (3) All Head of the Institutes/Center involved in Academic & Research activities
- (4) One teacher from amongst all the Faculties of the University to be nominated by the Provost.
- (5) Two eminent (external) academicians to be nominated by the Governing Body.
- (6) Two eminent (external) professionals to be nominated by the Governing Body.
- (7) One member from the Governing Body to be nominated by the President.
- (8) One member from the Board of Management to be nominated by the President.
- (9) Provost shall have the right to invite two eminent persons from outside the University to the Academic Council as per the requirements of University.
- (10) The Registrar - who shall be the Ex-officio member secretary of the Council.

The term of office of the members, other than Ex-Officio members, of the Academic Council shall be of three years.

A member may resign his office by writing under his hand addressed to the Chairperson, but he shall continue in office until his resignation has been accepted by the Chairperson.

The Academic Council shall meet as may be necessary but at least two a year and at other times when convened by the Provost or in his absence by the person holding the charge of the office of the Provost.

Half of the members of the Academic Council shall constitute the quorum for a meeting. When a meeting is adjourned for not meeting the quorum, the subsequent meeting shall have a minimum of four members present.

The decisions in the Academic Council meeting shall be taken by the majority of the votes of the members present. In case of equality of the votes, the Chairperson shall have a second or casting vote.

Powers and Functions of the Academic Council

Subject to the provisions of the Act, Statutes, Ordinances and Regulations, the Academic Council shall have the following powers and functions; namely,

- (1) To exercise control and general regulation over the academic policies of the University and be responsible for the maintaining and improvement of the standards of instruction, education, and evaluation in the University.
- (2) To considers matter of general academic interest either on its own initiative or on a reference from the Faculty of the University or the Board of Management/Governing Body and take appropriate action on the same.
- (3) To make Ordinances other than the first Ordinance and submit the same to Board of Management for further approval.
- (4) To recommend to the Board of Management such regulations as are consistent with the Act, Statute/Ordinances related to the academic functioning of the University including discipline of the students.
- (5) To make recommendations to the Board of Management regarding institution of scholarships, fellowships, medals, prizes, and other such awards.
- (6) To exercise such other powers and perform such other duties as may be conferred upon/assigned to it by the Statute, Ordinances & Regulations.

Note: In accordance with Section 19 clause (d) (The following shall be the authorities of University, namely) of the Gujarat Private Universities Act 2009, Monark University is pleased to declare the other authorities of the University. This declaration is made in adherence to the provisions outlined in the Gujarat Private Universities Act, 2009.

**Section 19
Clause (d)
of GPU Act
2009**

3.4 Board of Studies

- (1) There shall be a Board of Studies (BOS) in each of the discipline/subject or a group of allied disciplines/ subject, which offers degree, under the concerned Faculty.
- (2) There may also be a Joint Board of Studies for certain faculty as considered necessary by the Academic Council. The functions of the Joint Board of Studies are same as of the Board of Studies. In case of Joint Board of Studies, Chairperson of the Board shall be appointed by the Provost based on the recommendations by Deans of concerned Faculties.
- (3) The composition of the Board of the Studies shall be as under.
 - (i) Dean of Faculty or Head of the Institute/Department/Discipline concerned – (ex- Officio) Chairperson.
 - (ii) Two Senior Teachers from amongst the concerned subject by rotation to be nominated by the Dean of the Faculty in consultation with the Provost.
 - (iii) Two academic/Industry/Field experts from outside the University, to be nominated by The Provost on recommendation by the Dean.

- (4) The term of the office members of the Board of Studies other than that of ex-officio members shall be of two years.
- (5) Chairperson of the Board / Dean, with prior approval of Academic council, may co-opt other member(s) as per the need of the board, up to maximum three members. However, co-opted members shall have limited rights.
- (6) All recommendation of Board of Studies shall be subject to the approval of Academic Council.
- (7) The Dean of the Faculty shall draw the schedule for meeting of the Board of Studies for different disciplines. The meeting may be scheduled as and when necessary, but at least twice in an academic year. The quorum for the meeting shall be one third of the total no. of members.
- (8) It shall be the duty of the chairperson to forward within a fortnight to the Provost and the Faculty concerned all decisions and recommendations of the Board.
- (9) In addition to the functions prescribed by the Statutes, Ordinances, and regulations, or delegated by the Academic Council; the functions of the Board of Studies are:
 - (i) To recommend the courses of studies, teaching and examination scheme in their respective subjects.
 - (ii) To design and recommend the course content / syllabus for each subject under its purview.
 - (iii) To advise on all matters relating to their respective subjects referred to them by the Faculty or Academic Council.
 - (iv) To recommend books and reading materials for subjects concerned.
 - (v) To suggest methodologies for innovative teaching and evaluation techniques
 - (vi) To prepare and recommend a panel of paper setters / examiners / evaluators for the semester end examination.
 - (vii) Any other such matters deemed to be necessary for the academic activities of the concerned discipline.

**Section 19
Clause (d)
and
Section 25
of GPU Act
2009**

3.5 Finance Committee:

There shall be a Finance Committee to manage the financial affairs of the University.

- (1) The Finance Committee shall consist of the following members:
 - (i) The Chairman of the Governing body
 - (ii) The Provost
 - (iii) Registrar
 - (iv) Deans of Faculties
 - (v) One member each from the Governing Body and Board of Management to be nominated by the President.
 - (vi) A Finance Expert to be nominated by the President.
 - (vii) Chief Finance and Accounts Officer shall be the member Secretary.
- (2) In absence of the CFAO, the President may appoint any officer from the Finance/Account section as secretary.
- (3) The Finance Committee shall meet at least twice in a year to examine the accounts and to scrutinize proposals for expenditure.

- (4) Three members of the finance committee including the Chairman shall constitute the quorum for the meetings.
- (5) The tenure of the office of the Finance Committee shall be of two years, upon expiry of the term it can be reconstituted for next term.

Powers and Functions of the Finance Committee:

- (1) To examine the annual accounts and annual budget estimates of the University and advise the Governing Body thereon.
- (2) To review the financial position of the University from time to time.
- (3) To make recommendations to the Governing Body on special policy matters of the University.
- (4) To make recommendations to the Governing Body on all proposals involving raising of funds, receipts and expenditure.
- (5) To provide guidance for investment of surplus funds.
- (6) To make recommendations on the proposals involving expenditure for which no provision has been made in the Budget or for which expenditure has been incurred beyond the budget provisions.
- (7) To examine proposals regarding revision of pay scales, up-gradation of scales and those items which are not included in the budget, before the proposals are placed before the Governing Body.

3.6 Disqualifications

**Section 23
of GPU Act
2009**

A person shall be disqualified for being a member of any of the authorities or bodies of the University, if-

- (1) he is of unsound mind and stands so declared by a competent court;
- (2) he is an undischarged insolvent;
- (3) he has been convicted of any offence involving moral turpitude;
- (4) he is conducting or engaging himself in private coaching with or without pecuniary gain; or
- (5) he has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere.

3.7 Vacancies not to Invalidate the Constitution or the Proceedings of any Authority or Body of the University:

**Section 24
of GPU Act
2009**

No act or proceedings of any authority or the body of the University shall be invalid merely by reason of any vacancy in or defect in the constitution of any authority or body of the University.

3.8 Committees:

**Section 25
of GPU Act
2009**

The authorities of the University may constitute such committees with such terms of references as may be necessary for specific tasks to be performed by such committees. The constitution, of such committees, power to be exercised and duties to be performed shall be as may be prescribed by the Statutes.

CHAPTER 4: REGULATIONS OF THE UNIVERSITY

4.1 Powers of State Government to give directions

**Section 31
of GPU Act
2009**

- (1) The State Government may, for the purpose of ascertaining the standards of teaching, examination, and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.

- (2) The State Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The University may adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations.
- (3) The State Government may give such directions as it may deem fit if the University fails to comply with the recommendation made under sub section (2) – within reasonable time. The directions given by the State Government shall be immediately complied by the University.

Section 32
of GPU Act
2009

4.2 Admission & Fee Structure

- (1) The existing provisions of the State Government relating to admissions and fee structure shall be applicable to University.
- (2) Admission in the University shall be strictly on the basis of merit.
- (3) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State/Central level either by an association of the Universities conducting similar courses or by any agency of the State Government:

Provided that the admission for professional educational University shall be governed under the provisions of the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (Gujarat 2 of 2008) and the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (Gujarat 3 of 2008).

- (4) The number of seats in different courses/programme/subjects for an academic year shall be determined by the Board of Management in close consultation with the Academic Council/relevant institution/faculty/centre and such other offices, authorities, bodies, committees or boards as the Board of Management considers appropriate to consult.

Section 34
of GPU Act
2009

4.3 Accreditation of the University

The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC) within two years from the date it becomes eligible and such other regulating bodies of Government of India which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.

Section 35
of GPU Act
2009

4.4 University to follow rules, regulations, norms, etc. of regulating bodies.

Notwithstanding anything contained in the Gujarat Private Universities Act, 2009, the University shall be bound to comply all the rules, regulations, norms, etc. of the regulating bodies of the Government of India and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

CHAPTER 5: FUNDS OF THE UNIVERSITY

Section 36
of GPU Act
2009

5.1 Endowment Fund

- (1) The sponsoring body shall establish an Endowment Fund for the University with an amount specified in Letter of Intent.
- (2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of Gujarat Private Universities Act, 2009 and functions as per provisions of the Act, the Statutes and the Ordinances. The State Government shall have the powers to forfeit, a part or whole of the Endowment Fund in case the University or the sponsoring body contravenes the provisions of this Act, the Statutes, the Ordinances, the regulations or the rules made thereunder.

- (3) The University may utilize the income from Endowment Fund for the development of infrastructure of the University and not with to meet the recurring expenditure of the University.
- (4) The amount of Endowment Fund shall be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the University.
- (5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest bearing Personal Deposit account in the Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.

5.2 General Fund

Section 37
of GPU Act
2009

The University shall establish a fund, which shall be called the General fund to which the following shall be credited, namely:

- a) Fees and other charges received by the University
- b) Any contributions made by the sponsoring body;
- c) Any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
- d) Trusts, bequests, donations, endowments and any other grants; and
- e) All other sums received by the University.

5.3 Application of General Fund

Section 38
of GPU Act
2009

The General Fund shall be utilized for the following objects, namely:

- (a) For the repayment of debts including interest charges thereto incurred by the University for the purposes of the Gujarat Private Universities Act, 2009 and the Statutes, the Ordinances, the Regulations and the Rules made thereunder with the prior approval of the Governing Body;
- (b) To upkeep the assets of the University;
- (c) For the payment of the fee for audit of the funds created under sections 36 and 37 of the Act.
- (d) To meet with expenses of any suit or proceedings by or against the University;
- (e) For the payment of salaries, allowances, Provident Fund, Contributions, Gratuity and other benefits to officers, employees and members of the teaching and research staff;
- (f) For the payment of travelling and other allowances of the members of the Governing Body, the Board of Management, the Academic Council, other authorities and the members of any committee appointed by any of the authority or the Chairperson of the sponsoring body or the Provost;
- (g) For the payment of fellowships, free-ships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, to any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;
- (h) For the payment of any expenses incurred by the University in carrying out the provisions of the Gujarat Private Universities Act, 2009 or the Statutes, the Ordinances, the Regulations or the Rules;

- (i) For the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India, incurred by the Sponsoring Body for setting up the University and the investments made therefor;
- (j) For the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of the Gujarat Private Universities Act, 2009 and the Rules, the Statutes or the Ordinances made thereunder;
- (k) For the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the University.

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the years, as may be fixed by the Board of Management, without prior approval of the Board of Management.

CHAPTER 6: ACCOUNT, AUDIT AND ANNUAL REPORT

Section 39
of GPU Act
2009

6.1 Annual Report

The Annual Report of the University shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the State Government.

Section 40
of GPU Act
2009

6.2 Account & Audit

The annual accounts including balance sheet of the University shall be prepared by the University and the annual accounts shall be audited at-least once in every year by the auditors appointed by the University for this purpose.

A copy of the annual accounts together with the audit report shall be submitted to the State Government.

CHAPTER 7: WINDING UP OF UNIVERSITY

Section 41
of GPU Act
2009

7.1 Management of University on Dissolution of the Sponsoring Body

- (1) In case the Sponsoring Body, proposes to dissolve itself according to the provisions of law governing its constitution or incorporation, it shall give at least six months' prior notice to the State Government.
- (2) The State Government shall, on receipt of such notice make such arrangements as may be necessary, for the administration of the University from the date of dissolution of the Sponsoring Body till the completion of syllabus by the last batches of students admitted to the University and may also cause the functioning of the University to continue by appointing an Administrator in place of the Sponsoring Body, who shall be entrusted with the powers, duties and functions of the Sponsoring Body as prescribed under Gujarat Private Universities Act, 2009.

Section 42
of GPU Act
2009

7.2 Dissolution of University

- (1) In case, the Sponsoring Body, intends to dissolve the University, it shall give a notice to that effect in the prescribed manner to the State Government. The State Government, after due consideration, may dissolve the University in the manner as may be prescribed.

Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or, as the case may be, awards.

- (2) On the dissolution of the University, all the assets and liabilities of the University shall vest in the Sponsoring Body in the manner as may be prescribed.

- (3) Where the State Government decides under sub-section (1) to dissolve the University, it may vest the powers of the Governing Body in the prescribed manner to other societies having similar objects till the dissolution of the University takes effect under the proviso to sub- section (1).

7.3 Special Powers of State Government in Certain Circumstances

**Section 43
of GPU Act
2009**

- (1) Where the State Government is of the opinion that the University has contravened any of the provisions of this Statutes, Acts, Rules or Ordinances made there under or has violated any of the directions issued by it under this Statutes or a situation of financial mismanagement or mal-administration has arisen in the University, it shall issue the notice requiring the University to show cause within forty-five days as to why an Administrator be not appointed.
- (2) On receipt of reply of the University on the notice issued under sub section (1), if the State Government is satisfied that there is prima-facie case of contravention of any of the provisions of the Statutes, Acts, Rules or Ordinance made there under or violation of directions issued by it under this Statutes or there is financial mismanagement or mal-administration, it shall make an order of such inquiry as it may consider necessary.
- (3) The State Government shall, for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.
- (4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:
- (a) Summoning and enforcing the attendance of any person and examining him on oath.
 - (b) Requiring the discovery and production of any such document or any other material as may be predicable in evidence.
 - (c) Requisitioning any public record from any court or office.
- (5) On receipt of the inquiry report from the officer or officers appointed under sub-section (3), if the State Government is satisfied that the University has contravened all or any of the provisions of this Statutes, Acts, Rules or Ordinance made there under or has violated any of the directions issued by it under these statutes or a situation of financial mismanagement and mal-administration has arisen in the University which threatens the academic standard of the University, it may appoint an administrator.
- (6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Statutes, Acts, Rules or Ordinance and shall administer the affairs of the University until the last batches of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or, as the case may be, awards.
- (7) After having been awarded the degrees, diplomas or, as the case may be, awards to the last batches of the students of the regular courses, the Administrator shall make a report to that effect to the State Government.
- (8) On receipt of the report under sub-section (7), the State Government shall dissolve the University and on dissolution of the University, all the assets and liabilities of the university shall vest in the sponsoring body.

CHAPTER 8: MISCELLANEOUS**Section 44
of GPU Act
2009****8.1 Power of State Government to make rules**

- (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - a. the manner of making proposal to establish University and the fees payable under section 6 of the Act;
 - b. other particulars of the Project Report under clause (z) of section 7 of the Act;
 - c. other matters of the Statutes under sub-section (1) of section 27 of the Act;
 - d. arrangements for the administration of the University on the dissolution of the Sponsoring Body under sub-section (2) of section 41 of the Act.
 - e. All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

**Section 45
of GPU Act
2009****8.2 Completion of courses of students**

Notwithstanding anything contained in the Gujarat Private Universities Act/Statutes or the Regulations, any student of the constituent colleges or institutions of the University specified in the Schedule and affiliated to any University who immediately before the commencement of this Act was studying or was eligible for any examination of that University shall be permitted to complete his course in preparation therefore, and the University shall provide for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the respective University in such manner and for such period as may be prescribed.

**Section 46
of GPU Act
2009****8.3 Power to remove difficulties**

- (1) If any difficulty arises in giving effect to the provisions of the Gujarat Private Universities Act, the State Government may, by order published in the Official Gazette, make provisions not inconsistent with the provisions of the Gujarat Private Universities Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of Act.
- (2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

By order and in the name of the Governor of Gujarat,

ANKURKUMAR UPADHYAY,
Under Secretary to Government.

